



2025:JHHC:8789

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 199 of 2025

Prakash Kumar Mandal Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing
Secretary Respondents

With

W.P.(C) No. 200 of 2025

Rajesh Kumar Gupta Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing
Secretary Respondents

With

W.P.(C) No. 202 of 2025

Gorango Das Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing
Secretary Respondents

With

W.P.(C) No. 203 of 2025

Jamil Akhtar Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing
Secretary Respondents

With

W.P.(C) No. 205 of 2025

Akhtar Hussain Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing
Secretary Respondents

With

W.P.(C) No. 206 of 2025

Md. Hamid Siddiki Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi



2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary Respondents

With

W.P.(C) No. 207 of 2025

Sunil Sharma Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary Respondents

With

W.P.(C) No. 218 of 2025

Md. Hasimuddin Ansari Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary Respondents

With

W.P.(C) No. 219 of 2025

Md. Soharab Ansari Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary Respondents

With

W.P.(C) No. 220 of 2025

Md. Nasiruddin Ansari Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary Respondents

With

W.P.(C) No. 222 of 2025

Dinesh Kumar Mandal @ Dinesh Mandal Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary Respondents

With

W.P.(C) No. 223 of 2025



Usman Ansari Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary Respondents

With

W.P.(C) No. 224 of 2025

Md. Mahfuz Alam Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary Respondents

With

W.P.(C) No. 230 of 2025

Md. Liyakhat Ansari Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary Respondents

With

W.P.(C) No. 234 of 2025

Ayodhya Saw Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary Respondents

With

W.P.(C) No. 236 of 2025

Md. Abdul Ansari @ Md. Abdul Gani Ansari Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary Respondents

With

W.P.(C) No. 237 of 2025

Israil Ansari Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary Respondents



With

W.P.(C) No. 242 of 2025

Md. Mubarak Ansari

..... Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
 2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary
- Respondents

With

W.P.(C) No. 252 of 2025

Md. Nisar Ahmad

..... Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
 2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary
- Respondents

With

W.P.(C) No. 253 of 2025

Alauddin Ansari

..... Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
 2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary
- Respondents

With

W.P.(C) No. 255 of 2025

Nitesh Kumar Gupta

..... Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
 2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary
- Respondents

With

W.P.(C) No. 256 of 2025

Vinod Prasad

..... Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
 2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary
- Respondents

With

W.P.(C) No. 259 of 2025

Md. Sahabuddin Siddique

..... Petitioner

Versus



1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary Respondents

With

W.P.(C) No. 299 of 2025

Md. Aslam Ansari Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary Respondents

With

W.P.(C) No. 304 of 2025

Md. Azad Siddiki Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary Respondents

With

W.P.(C) No. 312 of 2025

Md. Nasir Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary Respondents

With

W.P.(C) No. 445 of 2025

Satyanarayan Saw Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. Agriculture Produce Market Committee, Dhanbad, through its Marketing Secretary Respondents

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioners:	Mr. Indrajit Sinha Mr. Ankit Vishal Mr. Sagar Kumar Ms. Puja Agrawal
For Respondent No.1:	Ms. Pinky Tiwary, A.C to A.G Ms. Rishi Bharti, A.C to A.A.G-III Ms. Surabhi, A.C to A.A.G-II



Mr. Devesh Krishna, S.C (Mines)-III
Ms. Omiya Anusha, A.C to A.A.G-IA
Mr. Rakesh Kr. Roy, A.C to G.A-III
For Respondent No.2: Mr. Arbind Kumar

04/18.03.2025 The present batch of writ petitions, except W.P.(C) No. 205 of 2025 & W.P.(C) No. 236 of 2025, have been filed for quashing the respective letters issued by the Marketing Secretary, Agricultural Produce Market Committee, Dhanbad (the respondent No.2) to the petitioners directing them to vacate their respective shops situated at Govindpur Haat, Lal Bazar constructed over the land appertaining to Khata No. 202, Plot No. 1948, Mouza-Govindpur, P.S-Govindpur, District-Dhanbad. Further prayer has been made for issuance of direction upon the respondent No.2 not to dispossess the petitioners from their respective shops and to immediately refund an amount of Rs.51,790/- deposited by them as rent of the said shops during the period from April, 2007 to March, 2024 along with 18% GST since the respondent No.2 does not have ownership of the same.

2. W.P.(C) No. 205 of 2025 & W.P.(C) No. 236 of 2025 have been preferred for quashing the impugned notices as contained in letter Nos. 81 & 80, both dated 12.03.2024, whereby the petitioners of the said cases have been directed to pay the rent for the period from April, 2007 to March, 2024 amounting to Rs.43,890.00 with 18% GST (total Rs.51,790.00) as well as to vacate their respective shops allegedly occupied by them illegally.

3. Learned counsel for the petitioners submits that the land in question is being used as 'Haat/Bazar' by the vendors of the locality for last 50 years. The petitioners were also running their respective shops over the said land even before commencement of the construction of vendor market by the Agriculture Market Produce Committee, Dhanbad i.e. the respondent No.2 in the year 2006. After completion of construction work of the vendor market by the



respondent No.2 in the year 2007, the petitioners who were having the shops over the land in question, were allowed to run the same in the vendor market and accordingly they were allowed to take over possession of their respective shops in the said vendor market constructed by the respondent No.2. The petitioners' possession over the shops in question was well within the knowledge of the respondent No.2 since 2007 itself, but no proceeding whatsoever was ever initiated against them by the respondent No.2 for evicting them from the said shops. However, the respondent No.2 issued the letters dated 12.03.2024 to the petitioners directing them to deposit an amount of Rs.51,790/- inclusive of 18% GST within a period of 07 days from the date of receipt of the said letters with further direction to vacate the respective shops, failing which eviction case would be instituted against them.

4. The petitioners apprehending dispossession, deposited the requisitioned amount of Rs.51,790/- with the respondent No.2, which was duly received. Thereafter, the respondent No.2 issued the letters dated 23.09.2024 to the petitioners to submit the documents regarding allotment of the respective shops within a period of 07 days from the date of receipt of the said letters, as during inspection conducted by the said respondent on 10.09.2024, it was allegedly found that certain shops were encroached by the petitioners.

5. It is further submitted that the petitioners were allowed to take possession of the respective shops constructed by the respondent No.2 in the year 2007 and their long and continuous possession over the said shops were never questioned by the respondent No.2 till the year 2024. However, vide the impugned letters, the petitioners, except the petitioners of W.P.(C) No. 205 of 2025 & W.P.(C) No. 236 of 2025, have been directed to vacate the respective shops within three days from the date of receipt of the said letters.

6. It is also urged that the shops in question are the only source of livelihood of the petitioners, who have been running the same for last 18



years. They have also got electrical connection from the Jharkhand Bijli Vitran Nigam Ltd. in their respective shops and have been paying electrical bills regularly. Despite that, the respondent No.2 vide impugned letters has directed the petitioners to vacate their respective shops within 03 days from the date of receipt of the same stating that the said shops have been encroached by them since 2007 and the Agriculture Produce Market Committee has kept the allotment/transfer of any shop in abeyance, due to pending cases before this Court.

7. It is further submitted that Title Suit No. 129 of 2016 was filed by one Damodar Chandrajeu Thakur against the State of Jharkhand including the respondent No.2 in the Court of the Additional Civil Judge (Junior Division) No.2, Dhanbad claiming that the land in question belonged to the deity. The said title suit was, however, dismissed vide judgment dated 15.06.2019 which was subsequently challenged by Damodar Chandrajeu Thakur in Civil Appeal No. 164 of 2019 in the Court of the District Judge-XVI, Dhanbad. The said appeal was allowed vide judgment dated 15.06.2024 observing that Damodar Chandrajeu Thakur had valid right, title and interest over the land in question. Thereafter, the respondent No.2 challenged the said judgment before this Court in Second Appeal No. 146 of 2024, which is still pending adjudication.

8. It is further submitted that the title of the respondent No.2 over the land in question is 'under a cloud' as the District Judge-XVI, Dhanbad vide the judgment dated 15.06.2024 has observed that Damodar Chandrajeu Thakur has valid right, title and interest over the same. The respondent No.2 does not have any authority/jurisdiction to issue the impugned letters of eviction as it is not the owner of the land in question where the shops of the petitioners are situated. The petitioners cannot be evicted from the shops in question till the dispute regarding the ownership of the said land/shops is decided by this Court in Second Appeal No. 146 of 2024.



9. It is further contended that the respondent No.2 has not initiated any proceeding either under the Bihar (now Jharkhand) Public Land Encroachment Act, 1956 nor has filed any suit for eviction of the petitioners from the shops in question. The petitioners being in long and continuous possession over the shops in question cannot forcibly be evicted by the respondent No.2 in arbitrary manner without initiating any proceeding in accordance with law. The petitioners cannot be said to be the trespassers/encroachers only because the respondent No.2 has demanded and accepted the rent for the shops in question.

10. It is also urged that even a trespasser, who is in established possession of the property, cannot be forcibly dispossessed by the State authority, who is not the owner of the property. It is incumbent upon the respondent authority to issue show cause notices to the petitioners disclosing the circumstances under which the proposed action is sought to be initiated against them. The opportunity of hearing given to the affected persons should not be mere empty formality, rather reasonable opportunity of hearing must be given to them. The respondent No.2 being the instrumentality of the State, its action or administrative decision must be subject to the doctrine of equality and fair play.

11. Per-contra, learned counsel for the respondent No.2 submits that the shops in question were constructed in the year 2007, however, allotment procedure was not finalized due to some reason and the said shops were not allotted to anyone. In fact, the petitioners were in unauthorized possession of the respective shops since 2007 without issuance of any allotment letter by the competent authority. The petitioners were asked to submit allotment letters with regard to the respective shops, however, they neither submitted the allotment letters nor vacated the same and as such the impugned letters were issued to them for vacating the shops in question. Moreover, the respondent No.2 has given ample opportunity to the petitioners before issuing the impugned letters.



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12. Heard learned counsel for the parties and perused the relevant materials available on record.

13. For better appreciation of the facts of the present batch of writ petitions, a tabular chart is being detailed hereinbelow:-

Case Nos.	Impugned Letters	Shops in possession of the petitioners
W.P.(C). No. 199 of 2025	Letter No. 836/Dhanbad dated 02.12.2024	Shop No. 29
W.P.(C). No. 200 of 2025	Letter No. 826/Dhanbad dated 02.12.2024	Shop No. 19
W.P.(C). No. 202 of 2025	Letter No. 817/Dhanbad dated 02.12.2024	Shop No. 10
W.P.(C). No. 203 of 2025	Letter No. 828/Dhanbad dated 02.12.2024	Shop No. 21
W.P.(C). No. 205 of 2025	Letter No. 81 dated 12.03.2024	Shop No. 9
W.P.(C). No. 206 of 2025	Letter No. 819/Dhanbad dated 02.12.2024	Shop No. 12
W.P.(C). No. 207 of 2025	Letter No. 834/Dhanbad dated 02.12.2024	Shop No. 27
W.P.(C). No. 218 of 2025	Letter No. 815/Dhanbad dated 02.12.2024	Shop No. 7
W.P.(C). No. 219 of 2025	Letter No. 814/Dhanbad dated 02.12.2024	Shop No. 6
W.P.(C). No. 220 of 2025	Letter No. 835/Dhanbad dated 02.12.2024	Shop No. 28
W.P.(C). No. 222 of 2025	Letter No. 812/Dhanbad dated 02.12.2024	Shop No. 4
W.P.(C). No. 223 of 2025	Letter No. 840/Dhanbad dated 02.12.2024	Shop No. 33
W.P.(C). No. 224 of 2025	Letter No. 830/Dhanbad dated 02.12.2024	Shop No. 23
W.P.(C). No. 230 of 2025	Letter No. 825/Dhanbad dated 02.12.2024	Shop No. 18
W.P.(C). No. 234 of 2025	Letter No. 832/Dhanbad dated 02.12.2024	Shop No. 25
W.P.(C). No. 236 of 2025	Letter No. 80 of 12.03.2024	Shop No. 8
W.P.(C). No. 237 of 2025	Letter No. 841/Dhanbad dated 02.12.2024	Shop No. 34
W.P.(C). No. 242 of 2025	Letter No. 827/Dhanbad dated 02.12.2024	Shop No. 20
W.P.(C). No. 252 of 2025	Letter No. 823/Dhanbad dated 02.12.2024	Shop No. 16



W.P.(C). No. 253 of 2025	Letter No. 839/Dhanbad dated 02.12.2024	Shop No. 32
W.P.(C). No. 255 of 2025	Letter No. 822/Dhanbad dated 02.12.2024	Shop No. 15
W.P.(C). No. 256 of 2025	Letter No. 821/Dhanbad dated 02.12.2024	Shop No. 14
W.P.(C). No. 259 of 2025	Letter No. 813/Dhanbad dated 02.12.2024	Shop No. 5
W.P.(C). No. 299 of 2025	Letter No. 824/Dhanbad dated 02.12.2024	Shop No. 17
W.P.(C). No. 304 of 2025	Letter No. 818/Dhanbad dated 02.12.2024	Shop No. 11
W.P.(C). No. 312 of 2025	Letter No. 833/Dhanbad dated 02.12.2024	Shop No. 26
W.P.(C). No. 445 of 2025	Letter No. 837/Dhanbad dated 02.12.2024	Shop No. 30

14. Main argument of learned counsel for the petitioners is that the respondent No.2 has no right, title and interest over the said land and as such it had no jurisdiction to issue the impugned letters for eviction of the petitioners.

15. In support of the said contention, learned counsel for the petitioners invites the attention of this Court to the judgment passed by the District Judge-XVI, Dhanbad in Civil Appeal No. 164 of 2019, paragraph 15 of which is quoted hereinbelow:-

"15. On the basis of discussion made above, it can be said with certitude that the case of the plaintiff/appellant finds support from evidence both oral and documentary on the record. The genuineness of the deed and Khatian of Bamarland have well been proved. The witnesses have unequivocally supported the case of the plaintiff. The Appellant/plaintiff has been able to establish his right, title or interest over the suit land. Be that as it may, the learned court below has committed a manifest error that the plaintiff is not entitled for recovery of possession over the land described in Schedule A of the plaint by dispossessing the defendant. The suit land belonged to deity i.e. Debottar land. This aspect of the matter has not been dismantled by the respondent/defendant in any manner. The right, title and interest with possession of appellant/plaintiff is hereby confirmed. ---"

16. It would thus be evident that in Civil Appeal No. 164 of 2019, the District Judge-XVI, Dhanbad has confirmed the right, title and interest of Damodar



Chandrajeu Thakur over the said land and the respondent No.2 was also one of the respondents in the said appeal. The respondent No.2 has though contended that Second Appeal No. 146/2024 has been preferred before this Court against the judgment passed in Civil Appeal No. 164 of 2019, however, it has been admitted that the said appeal is still pending and no interim relief has been granted to it in the same.

17. Despite the fact that the respondent No.2 has no title over the said land, it has issued the notices to the petitioners directing them to pay the rent amounting to Rs.43,890.00 with 18% GST (total Rs.51,790.00) as well as to vacate the shops said to have been illegally encroached by them followed by the notices dated 23.09.2024 directing them to submit the allotment letters of the respective shops. Thereafter, the impugned letters were issued to the petitioners directing them to vacate the respective shops within three days. Thus, the respondent No.2 has unilaterally decided its right, title and interest over the said land and has directed the petitioners to vacate the respective shops that too, after 18 years of their possession over the same.

18. It is well settled that if there is a bonafide dispute regarding the title of the government vis-a-vis private persons over any property, the government cannot take unilateral decision in its own favour claiming that the property belongs to it and on the basis of such decision, cannot take recourse to evict the persons who are in long possession of the property.

19. This Court is of the view that the respondent No.2 before initiating proceeding against the petitioners for dispossessing them from their respective shops, should have waited till the outcome of the second appeal preferred by it, as at present it has no title over the said land.

20. That apart, the manner in which the impugned letters have been issued to the petitioners' directing them to vacate their respective shops, goes against the doctrine of fair play. Even if the petitioners were in illegal occupation of the



said land, they deserved to be evicted therefrom by following the procedure prescribed under the law.

21. In the case of **Meghmala & Ors. Vs. G. Narashimha Reddy & Ors.** reported in **(2010) 8 SCC 383**, the Hon'ble Supreme Court has held that even a trespasser cannot be evicted forcibly and he has to be evicted following the due procedure prescribed under the law and the State authorities cannot dispossess a person by an executive order.

22. In view of the discussions made hereinabove, the impugned letters issued to the petitioners by the respondent No.2 directing them to vacate the shops in question, cannot be sustained in law and the same are hereby quashed and set aside. The respondent No.2 will however be at liberty to initiate a fresh proceeding in accordance with law for eviction of the petitioners from the shops in question depending upon the outcome of Second Appeal No. 146 of 2004, pending before a Bench of this Court. So far as the claim for refund of the amount deposited by the petitioners before the respondent No.2 as rent of the said shops is concerned, the same shall also be subject to the final outcome of Second Appeal No. 146 of 2004.

23. The present writ petitions are accordingly allowed with the aforesaid observations.